



General Assembly

**Substitute Bill No. 6856**

January Session, 2007

\* \_\_\_\_\_ HB06856PD \_\_\_\_\_ 042307 \_\_\_\_\_ \*

**AN ACT ESTABLISHING A MUNICIPAL STORMWATER AUTHORITY  
PILOT PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2007*) (a) The Commissioner of  
2       Environmental Protection shall establish a municipal stormwater  
3       authority pilot program in three municipalities that are contiguous to  
4       the Connecticut River or Long Island Sound. A municipality may  
5       apply to the commissioner to participate in the pilot program in  
6       accordance with procedures prescribed by the commissioner. Any  
7       municipality that adjoins a municipality in the pilot program may  
8       apply to the commissioner to be included in the pilot program.

9       (b) On or before January 1, 2008, and annually thereafter, the  
10      commissioner shall submit a report to the joint standing committees of  
11      the General Assembly having cognizance of matters relating to  
12      planning and development and the environment on the status of the  
13      pilot program.

14      Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Any municipality  
15      participating in the pilot program established pursuant to section 1 of  
16      this act may, by ordinance adopted by its legislative body, designate  
17      any existing board or commission or establish a new board or  
18      commission as the stormwater authority for such municipality. If a  
19      new board or commission is created, such municipality shall, by

20 ordinance, determine the number of members thereof, their  
21 compensation, if any, whether such members shall be elected or  
22 appointed, the method of their appointment, if appointed, and  
23 removal and their terms of office, which shall be so arranged that not  
24 more than one-half of such terms shall expire within any one year.

25 (b) The purposes of the authority shall be to (1) develop a  
26 stormwater management program, including, but not limited to, a  
27 program for construction and postconstruction site runoff control,  
28 pollution prevention and the detection and elimination of discharges,  
29 and (2) provide public education and outreach in the municipality  
30 relating to stormwater management activities and to establish  
31 procedures for public participation. In accomplishing the purposes of  
32 this section the authority may plan, layout, acquire, construct,  
33 reconstruct, repair, maintain, supervise and manage stormwater  
34 control systems.

35 (c) The authority may adopt regulations to implement the  
36 stormwater management program.

37 (d) The authority may enter into contracts with any municipal or  
38 regional entity to accomplish the purposes of this section.

39 Sec. 3. (NEW) (*Effective October 1, 2007*) After approval by the  
40 Commissioner of Environmental Protection of remediation strategies  
41 in the municipal stormwater management program developed  
42 pursuant to subsection (b) of section 1 of this act, the stormwater  
43 authority of a municipality participating in the pilot program  
44 established pursuant to section 1 of this act may (1) levy and collect  
45 assessments upon the lands and buildings within its jurisdiction in the  
46 same manner as property taxes are levied and collected, and (2)  
47 establish, revise and collect rates, fees, charges, penalties and  
48 assessments to provide for municipal stormwater management  
49 controls and stormwater management education and research. Any  
50 entity exempt from taxation under section 12-81 of the general statutes  
51 shall be exempt from payment of an assessment, rate, fee, charge or

52 penalties imposed under this section.

53       Sec. 4. (NEW) (*Effective October 1, 2007*) The authority in a  
54 municipality participating in the pilot program established pursuant to  
55 section 1 of this act may elect to defray the cost thereof by issuing  
56 bonds or other evidences of debt, or from general taxation, special  
57 assessment or any combination thereof. If it elects to defray any part of  
58 such cost from special assessment, it may apportion and assess such  
59 part upon the lands and buildings in the municipality which, in its  
60 judgment, are especially benefited thereby, whether they abut on such  
61 stormwater systems or not, and upon the owners of such lands and  
62 buildings, subject to the right of appeal as provided in section 7-142 of  
63 the general statutes. Such assessment may include a proportionate  
64 share of any expenses incidental to the completion of such stormwater  
65 system, such as fees and expenses of attorneys, engineers, surveyors,  
66 superintendents or inspectors, the cost of any property purchased or  
67 acquired for such work, interest on securities, the cost of preparing  
68 maps, plans and specifications, and the cost of printing, publishing or  
69 serving advertisements or notices incidental thereto. The authority  
70 may divide the total territory to be benefited by any stormwater  
71 control system into sections and may levy assessments against the  
72 property benefited in each section separately. In assessing benefits  
73 against the property in any section, the authority may add to the cost  
74 of the part of the stormwater control system located in such section a  
75 proportionate share of the cost of any part of such system located  
76 outside the section which is useful for the operation or effectiveness of  
77 that part of such system within the section and of any of the other  
78 items of cost or expense enumerated in this section.

79       Sec. 5. (NEW) (*Effective October 1, 2007*) The Commissioner of  
80 Environmental Protection shall adopt regulations, in accordance with  
81 the provisions of chapter 54 of the general statutes, to implement the  
82 provisions of sections 1 to 4, inclusive, of this act.

83       Sec. 6. (NEW) (*Effective October 1, 2007*) Notwithstanding the  
84 provisions of sections 22a-475 to 22a-483, inclusive, of the general

85 statutes, the Commissioner of Environmental Protection may provide  
86 grants and loans, from any account in the Clean Water Fund, to  
87 municipalities or stormwater authorities, established pursuant to  
88 sections 1 to 4, inclusive, of this act, for the costs incurred for  
89 stormwater management programs in municipalities participating in  
90 the pilot program established pursuant to section 1 of this act.

91 Sec. 7. Section 7-339n of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective October 1, 2007*):

93 A special services district shall constitute a body politic and  
94 corporate and the ordinance establishing such a district shall confer  
95 upon such district such of the following powers as are provided in the  
96 ordinance: (a) To sue and be sued; (b) to acquire, hold and convey any  
97 estate, real or personal; (c) to contract; (d) to borrow money, provided  
98 any obligation incurred for this purpose shall be discharged in  
99 accordance with the provisions of the ordinance establishing such  
100 district not more than [one year] seven years after it was incurred, and  
101 such district may pledge any revenues to be received pursuant to  
102 section 7-339r against any such obligation; (e) to recommend to the  
103 legislative body of the municipality in which such district is located the  
104 imposition of a levy upon the taxable interests in real property within  
105 such district, the revenues from which may be used in carrying out any  
106 of the powers of such district; (f) to construct, own, operate and  
107 maintain public improvements; and (g) to provide, within such  
108 district, some or all of the other services which such municipality is  
109 authorized to provide therein, except that no such ordinance may  
110 confer upon any such district the power to provide elementary or  
111 secondary public education services, and provided further no such  
112 ordinance may confer upon any such district the power to provide  
113 services which are then being provided within any portion of the area  
114 included in such district by any multitown body or authority.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	7-339n

**PD**      *Joint Favorable Subst.*